THE COTTON GINNING AND PRESSING FACTORIES (HYDERABAD AMENDMENT) ACT, 1954.

No. XXXIII OF 1954.

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*THE COTTON GINNING AND PRESSING FACTORIES (HYDERABAD AMENDMENT) ACT, 1954.

No. XXXIII of 1954.

An Act further to amend the Cotton Ginning and Pressing Factories Act, 1925, in its application to the Hyderabad State.

Whereas it is expedient to amend the Cotton Ginning and Pressing Factories Act, 1925, in its application to the Hyderabad State for the purposes hereinafter appearing; Preamble.

Be it enacted in the Fifth Year of our Republic as follows :—

1. (1) This Act may be called the Cotton Ginning and Pressing Factories (Hyderabad Amendment) Act, 1954. Short title, extent and commencement.

(2) This section shall come into force at once; and the rest of the Act shall come into force in such of the areas of the Hyderabad State and on such dates as the Government may by notification in the Jarida appoint in this behalf.

2. In section 2 of the Cotton Ginning and Pressing Factories Act, 1925 (XII of 1925) (hereinafter referred to as the said Act) – Amendment of section 2, Act XII of 1925.

(1) after the word 'context' comma and dash the following clause shall be inserted, namely :—

"*(aa)* 'admixture of cotton' means a prescribed mixture of different varieties of cotton";

(2) in clause *(d)* for the figures "1911", after the words "Factories Act," the figures "1948", shall be substituted,

(3) after clause *(f)* the following clause shall be inserted, namely :—

"*(ff)* 'licence' means a licence granted under section 2-A";

(4) after clause *(h)* the following clause shall be inserted, namely :—

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"*(i)* 'season' means such period as may from time to time be prescribed."

Insertion of new sections 2-A and 2-B, Act XII of 1925.

3. After section 2 of the said Act, the following new sections shall be inserted, namely :—

Licence for working cotton ginning factory or cotton pressing factory.

"2-A. (1) No cotton ginning factory or cotton pressing factory shall be worked without a licence granted to the owner thereof by such authority in such form, subject to such conditions and on payment of such fee as may be prescribed.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extened to five hundred rupees or, if he has previously been convicted of an offence under sub-section (1), to fifteen hundred rupees.

(3) No licence for which the prescribed fee has been paid shall be refused, suspended or cancelled except on the ground that the owner or person in charge of the factory concerned has been convicted for the contravention of the provisions of section 3-A :

Provided that no licence shall be suspended or cancelled under this sub-section until after the expiration of the season in which the said owner or person has been so convicted.

Control of rates chargeable for ginning and pressing cotton.

2-B. (1) The Government may, by notification, declare in any local area specified in such notification no owner or person in charge of a cotton ginning or cotton pressing factory situated in such local area shall—

(*i*) charge or cause to be charged, for the ginning or pressing of cotton, rates in excess of such maxima as may be fixed by the rate fixing committee of such local area under sub-section (6); or

(*ii*) refuse to accept or cause to be so refused cotton tendered by any person for ginning or pressing, if the tenderer is prepared to pay charges at rates lawfully leviable; or

(*iii*) impose as a condition for ginning or pressing of cotton tendered by any person for the purpose, the surrender of cotton seed or lint in whole or part in lieu of the charges lawfully leviable :

Provided that where a cotton ginning or cotton pressing factory carries on the process of ginning or pressing cotton ex-

clusively for its owner or person in charge as a part of his normal trade, the Government may exempt such factory from the operation of clauses (*ii*) and (*iii*) subject to such conditions as may be prescribed.

(2) There shall be a rate fixing committee for each local area specified in the notification under sub-section (1). Such committee shall consist of the Collector of the District, who shall be the Chairman of the committee, and the following members, namely—

(*a*) two representatives of cotton growers of the local area ;

(*b*) two representatives of owners of cotton ginning and cotton pressing factories in the local area ;

(*c*) one non-official possessing special or technical knowledge of cotton ginning and pressing or of cotton trade to be nominated by the Director, Commerce and Industries of the State ;

(*d*) the Chief Inspector of Factories and Boilers of the State or such other officer as he may nominate.

(3) The two representatives referred to in clause (*a*) of sub-section (2) shall be selected by the District Board from amongst the cotton growers of that area.

(4) The two representatives referred to in of clause (*b*) sub-section (2) shall be elected by the owners of cotton ginning and cotton pressing factories in the local area from amongst themselves.

(5) If the representatives of cotton growers or of owners of cotton ginning and cotton pressing factories in any local area referred to in clauses (*a*) and (*b*) of sub-section (2) are not selected or elected, as the case may be, within such time as may be prescribed, the Collector shall nominate such representatives from amongst the cotton growers or the owners of cotton ginning and cotton pressing factories as the case may be, from that local area.

(6) Every rate fixing committee shall fix the maximum rates for ginning or pressing cotton within its local area.

(7) The Government may make rules—

(*i*) providing for and regulating the selection and election of the representatives referred to in clauses (*a*) and (*b*) of sub-section (2), the manner of selection and election, the term as office of the members of the committee, the

preparation of voters' list where necessary, the filling of any casual vacancies and all matters connected with such selection and election;

(*ii*) laying down the principles to be observed and the procedure to be followed by the committee in fixing the maximum rates and the rates so fixed by the committee shall be duly made known by the Collector to all concerned in the local area in such manner as may be prescribed;

(*iii*) providing for the conditions of exemption from the operation of clauses (*ii*) and (*iii*) of sub-section (1).

(8) The provisions of section 13 shall apply to the making of rules under sub-sections (1), (5) and (7).

(9) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to five hundred rupees."

Amendment of section 3, Act XII of 1925.

4. The fullstop at the end of sub-section (2) of section 3 shall be omitted and the following words added thereafter:—

"and the prescribed particulars of the cotton ginning factory where it has been ginned as supplied by such person."

Insertion of new sections 3-A, 3-B, 3-C and 3-D, Act XII of 1925.

5. After section 3 the following new sections shall be inserted, namely:—

Prohibition of watering, etc., of cotton.

"3-A. (1) The Government may, by notification, declare that in any area specified in such notification, no cotton which is ginned or pressed in a cotton ginning or cotton pressing factory shall contain any admixture of cotton.

(2) Any owner or person in charge of a cotton ginning or cotton pressing factory who in such factory gins or presses or allows to be ginned or pressed cotton which he knows or has reason to believe—

(*a*) is watered or contains foreign substance or cotton waste, or

(*b*) when such factory is in an area specified under sub-section (1) contains an admixture of cotton,

shall be punishable with fine which may extend to five thousand rupees.

(3) A court trying an offence under sub-section (2) shall presume cotton to be watered which is certified by the

prescribed authority to contain moisture in excess of the moisture that such cotton might reasonably be expected to contain considering where and when such cotton has been picked, collected, stored, conveyed, left, ginned or pressed.

(4) Any owner of a cotton pressing factory who knowing or having reason to believe that any cotton contains seed in excess of the prescribed proportion, presses or allows such cotton to be pressed in such factory shall be punishable with fine which may extend to five thousand rupees.

Penalty for watering, etc., of cotton.

3-B. Any owner of cotton who does any of the following acts, that is who knowingly makes or causes to be made wet any cotton which is ginned and which is being or is intended to be pressed in a cotton pressing factory, or mixes or causes to be mixed therewith, seed, foreign substance or cotton waste, or in any area specified in sub-section (1) of section 3-A makes any admixture of cotton or abets or knowingly allows or connives at any such act shall be punishable with fine which may extend to five thousand rupees.

Examination of cotton packages or bales.

3-C. (1) The Government or any Gazetted officer authorised by it in this behalf may on its or his own motion or on receipt of a complaint that there has been a contravention of the provisions of section 3-A or section 3-B in respect of any cotton, package or of any bale and in the case of a complaint on payment of the prescribed fee by the complainant, cause such cotton or the contents of such package or bale to be examined by the prescribed person or body.

(2) A certificate given by such person or body after examination of the cotton or the contents of the package or bale under sub-section (1) shall be admissible in evidence and be presumptive proof of the facts mentioned therein until the contrary is proved.

Entry and inspection.

3-D. (1) The Government may authorise any Gazetted Officer to enter into and inspect, at any reasonable time, at any cotton ginning or cotton pressing factory for the purpose of ascertaining whether there is any contravention therein of any of the provisions of this Act or of any rule made thereunder or of any of the conditions subject to which a license has been granted in respect of such factory and to seize all things in respect of which an offence punishable under this Act appears to have been committed.

(2) The owner or the person in charge of every cotton ginning or cotton pressing factory shall give every reasonable assistance to the inspecting officer in the performance of his duties under sub-section (1).

(3) The owner or the person in charge of such factory, shall in every instance, be permitted to attend during the inspection and the things seized during such inspection shall be sealed in the prescribed manner."

Substitution of new section for sections 5 and 5-A, Act XII of 1925.

6. For sections 5 and 5–A the following section shall be substituted, namely .—

"5. (1) The owner of every cotton ginning factory shall submit to the prescribed authority, within such time and in such form as may be prescribed weekly returns showing the quantity of cotton ginned in the factory during the preceding week and from the commencement of the season to the end of that week.

Returns.

(2) The Government shall compile from the weekly returns submitted under sub-section (1) and shall publish, in such manner as it thinks fit, a statement showing the total quantity of cotton ginned in the State during the week and from the commencement of the season to the end of the week of which the returns relate:

Provided that the quantity of cotton ginned in any individual factory shall not be published.

(3) The owner of every cotton pressing factory shall submit to the prescribed authority, within such time and in such form, as may be prescribed, weekly returns showing the total number of bales of cotton pressed during the preceding week and from the commencement of the season to the end of that week, and the approximate average net weight of the bales pressed in that week.

(4) The Government shall compile from the weekly returns submitted under sub-section (3), and shall publish, in such manner as it thinks fit, a statement showing that total number of bales pressed in the State during the week and from the commencement of the season to the end of the week to which the returns relate:

Provided that the number of bales pressed in any individual factory shall not be published.

(5) If default is made in submitting any return as required by sub-section (1) or sub-section (3), the owner of the factory

shall be punishable with fine which may extend to fifty rupees.

(6) Where the owner of a cotton ginning factory or a cotton pressing factory has notified to the prescribed autority that the work of ginning cotton or pressing bales in that factory has been suspended, it shall not be necessary for the owner to submit returns under sub-section (1) or sub-section (3) until such work has been resumed."

Amendment of section 7, Act XII of 1925.

7. In sub-section (1) of section 7 of the said Act for the figures, letter and word "4, 5, 5-A and 6" after the words "for the purpose of sections", the figures, letters and word "2-B, 3-A, 3-B, 3-D, 4, 5, and 6" shall be substituted.

Substitution of a new section for section 13, Act XII of 1925.

8. For section 13 the following section shall be substituted :—

"13. (1) The Government may by notification in the Jarida make rules consistent with this Act to provide for all or any of the following matters, namely :—

Power of the Government to make rules.

(*a*) the forms in which registers, records and returns are to be maintained or submitted, and the inspection of records and registers;

(*aa*) what shall constitute an admixture of cotton;

(*ab*) the period which shall from time to time constitute a season;

(*ac*) the authority by whom, the forms in which, the conditions subject to which and the fee on payment of which, a licence may be granted under sub-section (1) of section 2-A ;

(*ad*) the particulars of the cotton ginning factory to be entered in the register maintained under sub-section (2) of section 3 ;

(*ae*) the proportion of seed which may be contained in cotton ;

(*af*) the person authorised to give a certificate regarding the quantity of moisture contained in any cotton and other matters specified in section 3-A ;

(*ag*) the person or body authorised to examine the cotton or the contents of the package or bale under section 3-C ;

(*ah*) the procedure for making a complaint and causing the cotton or the contents of the package or bale to be

examined and the fee for examination of the same under sub-section (1) of section 3-C ;

(*ai*) the manner in which things seized shall be sealed under section 3-D ;

(*b*) the appointment of the authority to whom and the time within which the returns required by section 5 shall be made ;

(*c*) the appointment of authorities for the purposes of sections 7, 8 and 9 ;

(*d*) the manner of service of order made under section 9 ;

(*e*) the powers of entry and inspection which may be exercised by Collectors or by any officer specially empowered in this behalf by the Government ;

(*f*) any other matter which is to be or may be prescribed or for which provision is necessary in order to carry out the purposes of this Act.

(2) The rules to be made under sub-section (1) sh al be subject to the condition of previous publication."

Insertion of section 16, Act XII of 1925.

9. After section 15 the following new section shall be inserted :

"16. Whoever contravenes any of the provisons of this Act or any rule made thereunder or any of the conditions subject to which a licence has been granted to him shall, on conviction, if no other penalty is already provided in this Act for contravention, be punishable with fine which may extend to five hundred rupees, or, if he has previously been convicted of an offence under this Act or any rule made thereunder, with fine which may extend to fifteen hundred rupees."

Penalty.